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(b) These rules supersede the rules at 49 CFR part 1132 to the extent they are inconsistent.

(c) Discovery under these rules is governed by the Board's general rules of discovery at 49 CFR part 1114.

(d) Any Board determinations or findings under this part with respect to compliance or non-compliance with the standards of §§1144.4 and 1144.5 shall not be given any *res judicata* or collateral estoppel effect in any litigation involving the same facts or controversy arising under the antitrust laws of the United States.

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AUTHORITY: 5 U.S.C. 553 and 559, 49 U.S.C. 721(a), 10502, 10901 and 10902.

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Subpart A—Applications Under 49 U.S.C. 10901

§ 1150.1 Introduction.

(a) *When an application is required.* This subpart governs applications under 49 U.S.C. 10901 for a certificate of public convenience and necessity authorizing the construction, acquisition or operation of railroad lines. Noncarriers require Board approval under section 10901 to construct, acquire or operate a rail line in interstate commerce. Existing carriers require approval under section 10901 only to construct a new rail line or operate a line owned by a noncarrier, since acquisition by a carrier of an active rail line owned by a carrier is covered by 49 U.S.C. 11343. We have exempted from these requirements the acquisition by a State entity of a rail line that has been approved for abandonment, as well as operations over these lines. See subpart C of this